

01
02
03
04
05 UNITED STATES DISTRICT COURT
06 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

07 UNITED STATES OF AMERICA,) CASE NO. MJ 19-096
08 Plaintiff,) (D. CO. No. 19-cr-0096-PAB)
09 v.) DETENTION ORDER
10 CLINT BENDER,)
11 Defendant.)
12 _____)

13 Offenses charged in Indictment:

14 Count 1: Conspiracy distribute, and to possess with intent to distribute, 3,4-
15 methylenedioxymethamphetamine.

16 Count 2: Use of a communications facility, specifically a telephone, in committing the felony
17 charged in Count 1.

18 Date of Detention Hearing: March 13, 2019.

19 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
20 based upon the factual findings and statement of reasons for detention hereafter set forth,
21 finds that no condition or combination of conditions which defendant can meet will
22 reasonably assure the appearance of defendant as required and the safety of other persons and

the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) Defendant was convicted and sentenced in state court in Illinois on a charge of distribution of a controlled substance. He was sentenced to special probation on January 17, 2019. The indictment in the present case charges that defendant committed a new felony drug offense less than 30 days after he entered upon that probation. This raises serious questions as to whether defendant would comply with conditions the court might set for his release in this case.

(2) Although the father of defendant's former girlfriend has offered to allow defendant to reside with him in this district, this would not be a long-term arrangement. This gentleman plans to move to Mississippi in the near future, and defendant would be required to live somewhere else – perhaps with his own father in Alabama. The proposed residence in this district would therefore not be a stable one.

(3) Although defendant might be able to maintain his employment in this area for a short period of time, he would not be able to keep it when forced to move to Alabama or some other location.

(4) There is a presumption of detention in this case, because the Indictment establishes probable cause to believe defendant committed a drug offense which carries a maximum penalty in excess of ten years. Nothing defendant has presented effectively rebuts that presumption.

///

(5) The court has transferred this case, and defendant, to the District of Colorado for further proceedings. This Order of Detention is without prejudice to a review of the order by that court, if it sees fit.

It is therefore ORDERED:

1. Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
2. Defendant shall be afforded reasonable opportunity for private consultation with counsel;
3. On order of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and
4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 13th day of March, 2019.

s/ John L. Weinberg
United States Magistrate Judge